



STATEMENT OF FACTS

1 Sometime in July of 2018, the Cayuga County Civil Service Commission posted a Planner (County Planner) position with the Cayuga County Department of Planning and Economic Development. Mr. Scott moved into Cayuga County, New York on August 1, 2018 and became a Resident of Cayuga County on September 1, 2018. Mr. Scott became a Resident of New York State on September 2, 2016 and has been a U.S. Citizen since 1966. Mr. Scott became a Combat Veteran on January 1, 2009.

2 On August 15, 2018, Mr. Scott applied with the Cayuga County Civil Service Commission for the position of Planner with the Cayuga County Department of Planning and Economic Development. Cayuga County requested a writing sample sometime in September of 2018, which Mr. Scott subsequently provided.

3 On October 4, 2018, Mr. Scott was granted an interview with members of the Cayuga County Department of Planning and Economic Development scheduled on October 18, 2018. Mr. Scott interviewed with 6 members of the Cayuga County Department of Planning and Economic Development in the offices of the Department on the afternoon of October 18, 2018.

4 During this interview, one member of the interviewing panel, in the employ of the Cayuga County Department of Planning and Economic Development asked an interview question that was arbitrary, capricious, unusual, unreasonable and not

relevant to Mr. Scott's military, military veteran and military combat veteran status, academic qualifications or military experience, aptitude or training.

5 On October 19, 2018, Mr. Scott sent thank you letters to the 6 members of the Cayuga County of Planning and Economic Development. On October 31, 2018, Mr. Scott was notified by mail that he was not selected for the position of Planner. On or after November 1, 2018, Ms. Kiva VanDer Geest was provisionally hired by Cayuga County without taking the New York State Civil Service Examination for the position of County Planner. No New York State Civil Examination for the position of Planner was scheduled in Cayuga County in 2018.

6 On February 7, 2019, Mr. Scott sent a Freedom of Information Law Request to the Clerk of the Legislature of Cayuga County for African American Male Employment Information. The Clerk of the Legislature of Cayuga County sent a letter back on 12 February 2019 acknowledging this request. On 14 March 2019, the Clerk of the Legislature of Cayuga County responded to the FOIL request stating that "Cayuga County did not track applicants or appointments by race."

7 Sometime in late 2019, Ms. VanDerGeest left the position of Planner with the Cayuga County Department of Planning and Economic Development for unspecified reasons. Mr. Scottf was eligible for the position of Planner at the time of Ms. VanDerGeest's departure. No Eligible List was created in 2018 by Cayuga County

despite the fact that Mr. Scott still resided in Cayuga County. No New York State Civil Examination for the position of Planner was scheduled in Cayuga County in 2019.

8 Sometime in 2020, Cayuga County Department of Planning and Economic Development and the Cayuga County Civil Service Commission decided to repost the Planner position vacated by Ms. VanDerGeest without an Eligible List. Cayuga County then went out and hired Mr. Diebold sometime in 2020. Mr. Diebold, like Ms. VanDerGeest was White and did not take the New York State Civil Service Examination for Planner at any time in 2020. No New York State Civil Examination for the position of Planner was scheduled in Cayuga County in 2020.

9 Once again in 2021, both the Cayuga County Department of Planning and Economic Development and the Cayuga County Civil Service Commission decided to post a Planner position. This was the third time that the Defendants had reposted the Planner position without any New York State Civil Service Examination to accompany it. The Defendants then went out and hired Mr. Tuthill sometime in 2020. Mr. Tuthill, like Mr. Diebold and Ms. VanDerGeest is White and did not take the Civil Service Examination at any time in 2021.

10 On August 20, 2021, Mr. Scott hand-carried a written complaint of Equal Employment Opportunity Discrimination to the New York State Division of Human Rights at the John H. Hughes State Office Building in Syracuse, New York. Mr. Scott was denied direct access to the NYS Division of Human Rights by a uniformed security

officer sometime between 0700 and 0930 AM on that day and was made to sign it over to that individual. That discrimination complaint has yet to be responded to or decided by the New York State Division of Human Rights. No New York State Civil Examination for the position of Planner was scheduled in Cayuga County in 2021.

11 In January, February and July of 2022, the New York State Division of Human Rights repeatedly failed to issue a Summary Adjudication of Mr. Scott's complaint of Equal Employment Opportunity Discrimination despite three letters from Mr. Scott that demanded Summary Adjudication. Shortly after Mr. Scott complained to the New York State Division of Human Rights, the Defendants subsequently posted yet another Planner position with Cayuga County.

12 Having already provisionally hired 3 White applicants to the position of Planner, Cayuga County for the fourth time in 5 years posted a Planner position publicly. Four years and two days after his initial application to the Cayuga County Department of Civil Service to become a Planner, Mr. Scott applied once again on 17 August 2022 for the Planner posting.

13 The Cayuga County Department of Civil Service, decided to send Mr. Scott's Admission Ticket to the October 2022 Civil Service Exam for Planner to his former, 2018, address willfully and deliberately not reading the address on his August 17, 2022 Planner application or on his August 17, 2022 Veterans Service Credit Application. Only after Mr. Scott filed a letter of protest against this injustice did the Cayuga County Civil

Service Commission offer him a choice of alternate exam dates. Mr. Scott had to take the Planner Civil Service Examination on a business day and was the only one to take the examination in this humiliating manner.

14 On October 14, 2022 or 4 years, 1 month and 30 days(Approximately 4 years and 2 months) after initially applying for the position of Planner with Cayuga County Department of Planning and Economic Development on 15 August 2018, Mr. Scott took the New York State Civil Service Examination with Cayuga County under Exam Number 63849.

15 On February 22, 2023, Mr. Scott received his Planner Civil Service Examination results. The Date of Eligible List was February 22, 2023. His position on the list was 2. His rank on the list was 2. His total score was 90. The Eligible List expired on February 21, 2024. No other pertinent information appeared on his Examination Results Notification Letter of February 22, 2023.

16 After 2 applications to the Cayuga County Civil Service Commission for the position of Planner and after having Mr. Scott passed the Civil Service Examination with a 90, Cayuga County decided to retain and make permanent the appointments to two White Males, Mr. Tuthill and Mr. Diebold, and once again not appoint Mr. Scott to the position of Planner.

17 Less than 180 days after the Eligible List for the Position of Planner was posted on February 22, 2023, Mr. Scott filed a Title VII complaint with the United States Equal Opportunity Commission on July 31, 2023. That complaint is referenced as Charge Number 525-2023-00944. Defendants' response was made to the United States Equal Employment Opportunity Commission on September 7, 2023. On March 18, 2024 the United States Equal Opportunity Commission issued a Notice of Right to Sue Letter to Mr. Scott. That letter was opened electronically by Mr. Scott on March 19, 2024.

18 On May 12, 2024 Mr. Scott filed a Uniformed Services Employment and Reemployment Rights Act(USERRA) complaint against the Cayuga County Department of Planning and Economic Development with the United States Department of Labor. On June 13, 2024 Mr. Scott filed a motion to suspend the investigation and administratively close the complaint with the United States Department of Labor, Office of the Assistant Secretary for Veterans' Employment and Training. That complaint is referenced as Case Number: NY-2024-00028-50-G.

David Anthony Scott
David Anthony Scott

David A. Scott

Signed Electronically by David A. Scott(aka David Anthony Scott)

Jun 18, 2024

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